

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

IN RE: ASBESTOS PRODUCTS LIABILITY
LITIGATION (NO. VI)

SPYCHALLA v. AVCO Corporation et al

E.D. WI Case No. 11-cv-497
Remanded from E.D. PA 12-CV-60004

**PLAINTIFF’S RESPONSE TO DEFENDANT THE BOEING COMPANY’S MOTION
TO EXCLUDE TESTIMONY BASED UPON THE “ANY EXPOSURE” THEORY**

Plaintiff responds to The Boeing Company’s Motion to exclude testimony based upon the “Any Exposure” theory. Plaintiff stipulates the testimony that “each and every exposure” or “any exposure” is a cause of the asbestos related disease will not be presented at trial as part of the medical causation testimony. Thus, the motion should be stricken or denied as moot.¹

Conclusion

For the reasons above, the motion should be stricken or denied as moot.

Dated: March 9, 2015

Respectfully submitted,

/s/ Robert G. McCoy
Attorney for the Plaintiff

Robert G. McCoy
Michael P. Cascino

¹Plaintiffs note that defendants rely in large part on the trial court decision in *Krik v. BP Amoco* N.D. IL Case No. 10-cv-07435 Doc. # 314 filed on December 22, 2014. The district court in the *Kirk* case held the “every exposure” statement could not be made. However, in *Krik* the district court also held the causation opinion of the experts as to specific defendants was expressly allowed. See further discussion of the *Krik* opinion in Plaintiff’s Response to Defendant General Electric Company’s Motion in Limine to Exclude Causation Testimony of Henry Anderson, MD and Carlos Bedrossian, MD, filed contemporaneously.

Cascino Vaughan Law Offices, Ltd.
220 South Ashland Ave.
Chicago, Illinois 60607
(312) 944-0600